

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1121

Introduced by Assembly Member Pan

February 18, 2011

An act to amend ~~Section 30801~~ of Sections 30525, 30801, and 30804.5 of, and to add Sections 30503.5 and 30505 to, the Food and Agricultural Code, ~~relating to dog licensing~~, and to amend Section 38792 of the Government Code, relating to dog licensing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1121, as amended, Pan. ~~Dogs; licenses; issuance~~. *Dog Licensing: issuance; puppy licenses.*

Existing law authorizes counties and cities to issue dog licenses and dog license tags for a fee, as specified. Existing law also prohibits a public animal control agency, animal or humane shelter, or a rescue group, as defined, from selling or giving away to a new owner any dog that has not been spayed or neutered, except as specified.

This bill would additionally require each pet dealer, as defined, humane society, rescue group, society for the prevention of cruelty to animals, or other specified entity to submit once a month, except as specified, a report to the public entity that is responsible for licensing dogs in the city or county in which the humane society, rescue group, society for the prevention of cruelty to animals, or any entity is located. The bill would require the report to contain the name, address, and telephone number of the person who receives a dog, and other information regarding the dog, that was adopted or sold in the previous month, as specified, by the entity submitting the report. The bill would restrict the use of the report to notifying the dog owner that he or she

needs to license his or her dog. A violation of this provision would be an infraction punishable by a fine of \$50 for the first offense and \$100 for each subsequent offense. By imposing new duties on local officials who would receive and process the monthly reports described above and by creating a new crime, the bill would impose a state-mandated local program.

This bill would allow a licensing agency to issue to the owner of a puppy a puppy license, as defined, which would expire when the puppy reaches one year of age, except as specified. The bill would also make conforming changes.

Existing law authorizes dog license tag to be issued for $\frac{1}{2}$ or less of the usual fee required for a dog if a certificate indicating that the dog has been spayed or neutered is presented from a licensed veterinarian.

This bill would authorize the city, county, or city and county to specify the means by which the dog owner may provide proof that the dog has been spayed or neutered.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~Existing law authorizes a county board of supervisors to provide for the issuance of serially numbered metallic dog licenses. Existing law requires that the dog licenses be stamped with the name of the county and the year of issue. Existing law states that the licenses shall be issued for a period of not to exceed 2 years, but may be issued for a period not to exceed 3 years for dogs that have attained the age of 12 months, or older, and who have been vaccinated against rabies, provided that the license period shall not extend beyond the remaining period of validity for the current rabies vaccination.~~

~~This bill would make a technical, nonsubstantive change to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 *SECTION 1. It is the intent of the Legislature to encourage*
2 *anyone transferring ownership of a dog to advise the new owner*
3 *that all dogs four months of age or older must be licensed under*
4 *state law. It is further the intent of the Legislature to encourage*
5 *all veterinarians to advise all dog owners to license all dogs that*
6 *are four months of age or older.*

7 *SEC. 2. Section 30503.5 is added to the Food and Agricultural*
8 *Code, to read:*

9 30503.5. (a) *Each pet dealer, as defined in Section 122125 of*
10 *the Health and Safety Code, humane society, rescue group, society*
11 *for the prevention of cruelty to animals, or any entity described in*
12 *subdivision (b) of Section 122045 of the Health and Safety Code*
13 *shall submit once a month, 30 days after the close of business for*
14 *the previous month, a report to the public entity, if any, that is*
15 *responsible for licensing dogs in the city or county in which that*
16 *the humane society, rescue group, society for the prevention of*
17 *cruelty to animals, or any entity is located. The report shall include*
18 *the name, address, and telephone number of the person who*
19 *receives the dog that was adopted or sold in the previous month*
20 *by that entity submitting the report. The report shall also include*
21 *the breed of the dog, age of the dog, microchip number for the*
22 *dog, if any, and reproductive status of the dog. A report shall not*
23 *be required in any month in which a dog was not adopted or sold.*
24 *Information from the report shall not be used for any purpose*
25 *other than advising the dog owner that the dog is required to be*
26 *licensed. The report shall not be shared with any other local public*
27 *entity, except as otherwise provided by law. A violation of this*
28 *subdivision is an infraction punishable by a fine of fifty dollars*
29 *(\$50) for the first offense and one hundred dollars (\$100) for each*
30 *subsequent offense.*

31 (b) *For the purposes of this section a “rescue group” is a*
32 *for-profit or not-for-profit entity, or a collaboration of individuals*
33 *with at least one of its purposes being the sale or placement of*
34 *dogs that have been removed from a public animal control agency*
35 *or shelter; society for the prevention of cruelty to animals shelter;*
36 *or humane shelter or that have been previously owned by any*
37 *person other than the original breeder of that dog.*

1 *SEC. 3. Section 30505 is added to the Food and Agricultural*
2 *Code, to read:*

3 30505. (a) *Whenever a dog license tag is issued pursuant to*
4 *this division, the tag shall be issued for one-half or less of the fee*
5 *required for a dog, if a certificate is presented from a licensed*
6 *veterinarian that the dog has been spayed or neutered.*

7 (b) *A dog license tag issued for a puppy shall be known as a*
8 *puppy license. Except as described in subdivision (e), a puppy*
9 *license shall expire when the puppy reaches one year of age. Upon*
10 *the expiration of a puppy license, the owner of the puppy shall*
11 *obtain a dog license tag and the fee for that dog license tag shall*
12 *be subject to subdivision (a) and Section 30804.*

13 (c) *Notwithstanding any other law or local ordinance, a puppy*
14 *license shall, upon application of the owner, be issued regardless*
15 *of whether the puppy has had an antirabies vaccination.*

16 (d) *If the puppy is under eight months of age, has not been*
17 *spayed or neutered, but has been microchipped, the fee for the*
18 *puppy license shall be the amount of the fee described in*
19 *subdivision (a).*

20 (e) (1) (A) *Except as described in paragraph (2), if the puppy*
21 *is under five months of age, and if subdivision (d) does not apply,*
22 *the puppy license shall expire when the puppy reaches five months*
23 *of age.*

24 (B) *If the puppy license expires pursuant to this paragraph, the*
25 *owner shall not be eligible to obtain a second puppy license.*

26 (2) *If the owner of a puppy described in subparagraph (A) of*
27 *paragraph (1) provides the issuing agency with satisfactory*
28 *evidence that the puppy has received an antirabies vaccination,*
29 *the puppy license shall expire when the puppy reaches one year*
30 *of age.*

31 (3) *The fee for a puppy license pursuant to this subdivision shall*
32 *be subject to Section 30804.*

33 (f) *For purposes of this section, “puppy” means any dog under*
34 *12 months of age.*

35 *SEC. 4. Section 30525 of the Food and Agricultural Code is*
36 *amended to read:*

37 30525. (a) *Whenever a dog license tag is issued pursuant to*
38 *this division, the tag shall be issued for one-half or less of the fee*
39 *required for a dog, if a certificate is presented from a licensed*
40 *veterinarian that the dog has been spayed or neutered.*

1 ***(b) A city or county subject to this chapter that issues a dog***
2 ***license tag for a puppy, as defined in subdivision (f) of Section***
3 ***30505, shall issue that dog license tag pursuant to Section 30505.***

4 ***SEC. 5. Section 30801 of the Food and Agricultural Code is***
5 ***amended to read:***

6 30801. (a) A board of supervisors may provide for the issuance
7 of serially numbered metallic dog licenses pursuant to this section.
8 The dog licenses shall be stamped with the name of the county
9 and the year of issue.

10 (b) The board of supervisors or animal control department may
11 authorize veterinarians to issue the licenses to owners of dogs who
12 make application.

13 (c) The licenses shall be issued for a period of not to exceed
14 two years.

15 (d) In addition to the authority provided in subdivisions (a), (b),
16 and (c), a license may be issued, as provided by this section, by a
17 board of supervisors for a period not to exceed three years for dogs
18 that have attained the age of 12 months, or older, and who have
19 been vaccinated against rabies. The person to whom the license is
20 to be issued pursuant to this subdivision may choose a license
21 period as established by the board of supervisors of up to one, two,
22 or three years. However, when issuing a license pursuant to this
23 subdivision, the license period shall not extend beyond the
24 remaining period of validity for the current rabies vaccination.

25 ***(e) A license that is issued for a puppy, as described in***
26 ***subdivision (f) of Section 30505, shall be subject to Section 30505***
27 ***or subdivision (b) of Section 30525.***

28 ***SEC. 6. Section 30804.5 of the Food and Agricultural Code is***
29 ***amended to read:***

30 30804.5. Whenever dog license tags are issued pursuant to this
31 division, ~~any such~~ that tag shall be issued for one-half or less of
32 the fee required for a dog, ~~if a certificate is presented from a~~
33 ~~licensed veterinarian that the dog has been spayed or neutered.~~
34 ~~under either of the following circumstances:~~

35 ***(a) The dog owner provides evidence that the dog has been***
36 ***spayed or neutered. The responsible city, county, or city and county***
37 ***may specify the means by which the dog owner is required to***
38 ***provide proof that his or her dog has been spayed or neutered***
39 ***including, but not limited to, by electronic transmission or***
40 ***facsimile.***

1 **(b)** *The tag is issued pursuant to subdivision (d) of Section*
2 *30505.*

3 **SEC. 7.** *Section 38792 of the Government Code is amended to*
4 *read:*

5 38792. (a) The legislative body of a city may impose and
6 collect a license fee for a period not to exceed two years and not
7 exceeding the cost of services relating to dogs, including, but not
8 limited to, animal shelters and control and the programs specified
9 in Section 30652 of the Food and Agricultural Code, provided by
10 the city, on every dog owned or harbored within the city limits.
11 The license fee for spayed bitches and neutered males, *and for*
12 *licenses issued pursuant to subdivision (d) of Section 30505*, shall
13 not exceed 50 percent of the license fee otherwise imposed.

14 (b) In addition to the authority provided in subdivision (a), the
15 legislative body of a city may impose and collect a license fee, as
16 described in subdivision (a), for a period not to exceed three years
17 for dogs that have attained the age of 12 months or older and have
18 been vaccinated. The person from whom the license fee is collected
19 pursuant to this subdivision may choose a license period as
20 established by the legislative body of up to one, two, or three years.
21 However, when imposing and collecting a license fee pursuant to
22 this subdivision, the license period shall not extend beyond the
23 remaining period of validity for the current rabies vaccination. The
24 license fee for spayed bitches and neutered males, under this
25 subdivision, shall not exceed 50 percent of the license fee otherwise
26 imposed.

27 **SEC. 8.** *No reimbursement is required by this act pursuant to*
28 *Section 6 of Article XIII B of the California Constitution for certain*
29 *costs that may be incurred by a local agency or school district*
30 *because, in that regard, this act creates a new crime or infraction,*
31 *eliminates a crime or infraction, or changes the penalty for a crime*
32 *or infraction, within the meaning of Section 17556 of the*
33 *Government Code, or changes the definition of a crime within the*
34 *meaning of Section 6 of Article XIII B of the California*
35 *Constitution.*

36 *However, if the Commission on State Mandates determines that*
37 *this act contains other costs mandated by the state, reimbursement*
38 *to local agencies and school districts for those costs shall be made*
39 *pursuant to Part 7 (commencing with Section 17500) of Division*
40 *4 of Title 2 of the Government Code.*

1 SECTION 1. ~~Section 30801 of the Food and Agricultural Code~~
2 ~~is amended to read:~~

3 ~~30801. (a) A board of supervisors may provide for the issuance~~
4 ~~of serially numbered metallic dog licenses pursuant to this section.~~
5 ~~The dog licenses shall be stamped with the name of the county~~
6 ~~and the year of issue.~~

7 ~~(b) The board of supervisors or animal control department may~~
8 ~~authorize veterinarians to issue the licenses to owners of dogs who~~
9 ~~make application.~~

10 ~~(c) The licenses shall be issued for a period not to exceed two~~
11 ~~years.~~

12 ~~(d) In addition to the authority provided in subdivisions (a), (b),~~
13 ~~and (c), a license may be issued, as provided by this section, by a~~
14 ~~board of supervisors for a period not to exceed three years for dogs~~
15 ~~that have attained the age of 12 months, or older, and who have~~
16 ~~been vaccinated against rabies. The person to whom the license is~~
17 ~~to be issued pursuant to this subdivision may choose a license~~
18 ~~period as established by the board of supervisors of up to one, two,~~
19 ~~or three years. However, when issuing a license pursuant to this~~
20 ~~subdivision, the license period shall not extend beyond the~~
21 ~~remaining period of validity for the current rabies vaccination.~~